

12

THE CONFESSION
OF
ADAM HORN,
ALIAS
ANDREW HELLMAN,
EMBODYING PARTICULARS OF
HIS LIFE:

CONVICTED ON THE 27TH NOVEMBER, 1843,

IN BALTIMORE COUNTY COURT,

OF THE

MURDER OF HIS WIFE:

WITH A SUMMARY OF HIS TRIAL; AND SENTENCE OF DEATH,
PRONOUNCED BY THE HON. RICHARD B. MAGRUDER,
ON THE 4TH DECEMBER, 1843.

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.....  
1843.

THE CONVENTION

ADAM HORN

1843

ANDREW W. BERRY

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ENTERED according to the Act of Congress, in the year 1843, by  
HENRY BERSCH, in the Clerk's Office of the District Court of  
Maryland.

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ANDREW HELLMAN.



State is called and which, in justice to the accused, are committed to the studious supervision of his Counsel.

The incident of the lantern whose ominous movements confounded the purposes of this wretched man, seems like some supernatural gleam let in, as light intolerable, upon his guilt. It is unexplained, and no testimony, carefully as all has been gleaned, has in any measure accounted for it. Whether regarded as a visitation of the fancy or as an actual occurrence, it was no less an impressive interposition—a signal from the injured dead to rally the zeal and the vengeance of the law.

It does not become us to deduce the moral from the dark and fretted life which is now unveiled, nor to say how much too intense a thrift is shown in the career of this man, likely to have been in him an inordinate passion; nor on how trivial and fanciful premises he may have nourished the dominant jealousy that laid its victim in her grave. The monitory lesson to the human soul springs too promptly from this history of horrors to need our eliciting it. With reference to all these views and to a subduing instruction to the human passions, it is hoped that this publication may be read, and have its wholesome influences.

CONFESSIO  
OF  
ADAM HORN,

ALIAS

ANDREW HELLMAN.

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My name is ANDREW HELLMAN. I was born at the village of Weisoppenheim, about three miles from Wurms, in Germany, on the 25th June, 1792. My father, Jacob Hellman, was a shoemaker, and owned a small farm in the village, which, after he ceased to work at his trade, he cultivated. I have a brother and sister. My sister is married to one Urth—and the nephew of whom I hereafter speak is the son of the brother. My mother—who was a most excellent woman and to whom I was fondly attached—died when I was about thirteen years old. My father, eight or nine months after my good mother's death, married again; and I lived with him and my step-mother until I was fourteen years old; at which period I was confirmed in the Roman Catholic religion. I was then apprenticed to the tailoring business and was three years engaged in learning the trade under Mr. Schaefer, in Wurms. I remained working with Mr. Schaefer a few months after my apprenticeship ended; and afterwards went as journeyman to Mr. Merker in the same place.

My father sold his house in my native village, retaining, however, the farm; and removed to Wurms to a house of his wife; and bought a garden, that he cultivated as a market garden until his death;



which took place in the year 1826. I worked as a tailor in Wurms successively with Mr. Merker, Mr. Wildeis, and Mr. Traub; and while so occupied a call under the conscription of Bonaparte was made for men for the Russian campaign—but on being measured I was not found of proper size and was not enlisted. But on Bonaparte's return from Russia, in 1813, I was again summoned under the conscription, found of due size, and ordered into military service. A place was appointed for the meeting of the persons who had been thus recruited; and they were there to receive rations. I stayed at the tavern with my comrades at night; but in the morning left the place (Mayerce) and returned to Wurms, where, after some days, I went again to my work with Mr. Traub, who had nine others working for him. It was now winter. I did not much show myself in public, fearful of the conscription—and went to my father's only every Sunday evening. The Allied Armies crossed the Rhine—and the French being driven from all their positions I felt safe.

I had continued at work with Mr. Traub—but, the demand for work falling off, I was obliged to look for employ elsewhere. I wished to go to Paris, but found the times too bad then to allow me to go thither. I had a companion (Adam Bayer) who had particularly endeared himself to me by saving me from drowning when bathing; and, with him, I went to Strasburg for employment. I worked there for about eleven months and then left in consequence of the workmen of the place being called out to do duty as a city guard or militia. I proceeded to Basle, and thence, after a short time, to Berne, in Switzerland, and finally to Fribourg in that country; working at my trade at all these places. I may mention that on my leaving my father for this migration he gave me one hundred and seventy guilders and my brother-in-law (Urth) furnished me fifty.

I left Fribourg and returned to Basle and remained there, occupied, from autumn to spring. On Good Friday a number of persons, who had assembled at Basle, on their way to America by the Rhine, had a meeting on the Rhine near Basle, preparatory to their departure. I went to the meeting with four other journeymen, and became interested in the views of the emigrants. On Monday afterwards, I left Basle and went to my father at Wurms. I stayed with him



awhile. In June, 1817, I conceived the notion of going to the United States. My father supplied me with about \$70 and I had of my own means, about \$50—and on the 14th June, 1817, I left my father's house at Wurms, to go down the Rhine to Amsterdam, on my course to America. After a delay of three weeks in Amsterdam, I embarked for Philadelphia, in an American ship, (whose name I forget) commanded by Capt. Pryor. I arrived in Philadelphia on the 10th October, 1817. I worked there until March with a tailor, Mr. Ectenacht, in Race street, between Third and Fourth streets, at wages of \$12 per month. I had brought with me from Germany, a letter for Mr. Bersch of Baltimore, from his friends in Wurms; but sea-water had defaced it and I could not use it. But a fellow-passenger of my voyage (Mr. Hendewold) called on me in Philadelphia, and said that Mr. Bersch had requested him to mention that he would soon give me work and wished me to come to Baltimore. I left Philadelphia for that city with Mr. Hendewold, accordingly—and arriving in Baltimore, I went to board in Howard street, at a Mr. Dreyer's, near the Commercial and Farmer's Bank. I was there but a few weeks, when Mr. Bersch gave me work in his tailoring establishment; giving me liberal wages and in the kindest disposition to help me along in life, finding me in board and all necessaries. I was (as I may say I have always been) very laborious; and by extra work in tailoring, earned largely every week. Mr. Bersch remonstrated upon my laboring so hard—but I told him my wish to exert myself then for a store for old age. During three years I was in Mr. Bersch's employ—occasionally in that time, visiting the country and working there, and for a short time also in the employ of Mr. Hitzelberger of Baltimore.—I finally determined to seek my fortune out of Baltimore; and I went to Chambersburg;—but finding no employment there, I went to Harper's Ferry and thence, desiring work in the country, I went to a Mrs. Jacobs', a few miles from Harper's Ferry, between that place and Hillsburgh. After being there a day, a farmer of the neighborhood and a German (named Abel) called; and on being told that I was a tailor and from Germany, he said that he had some work for me, and that I could go with him to his house; which I did. He lived about a mile distant. I worked for him and for persons in the neighborhood, and remained with him about three months. I returned, then to Baltimore and was again



employed by Mr. Bersch for three or four months; and returned then to Mr. Abel's. I worked again for him and others at his house—and at length I went into the business of buying goods in Baltimore and making them up at Mr. Abel's into clothes: and in that line I frequently visited Baltimore. Finally, I was married to Mr. Abel's youngest daughter, Mary. My marriage was in December, 1821: she was then about 21 years old. For a time we lived at her father's—we then removed to a house near, in April, 1822—where we resided for about six years. I continued earnestly engaged in my trade which, I may remark here, I always pursued, even when I was cultivating farms.

During my residence in Virginia, I had three children, two sons and a daughter; of whom, my son Henry, now of Logan county, Ohio, alone survives. After about fifteen months of our marriage had passed, quarrels, springing from jealousy on my part and suspicion of the faithlessness of my wife, in my mind, arose. Quarrels became frequent and more and more excited; but no personal violence was used by me. My jealousy passed away; but I was unhappy with my wife, whose temper was bitter, and fretful. She made my life wretched—and her violence did not lessen, although I was in the habit of yielding to her, for sake of peace. I felt at last that I must leave her or that I should die. I became weary and sick at heart; and I felt that I must have some change or sink under my misery. I had no friends to whom I might complain, or whom I could consult. I made up my mind to get in my money, that I had out on interest and with it to leave my home forever. I collected about \$3,000, and, with that provision, without my wife's knowledge, I left my home late at night and proceeded to Baltimore. I had claims, uncollected, to the amount of several hundred dollars, which I meant for my wife. I reached Baltimore at night, and went at once to Mr. Bersch's, I told him that I had come with "bag and baggage," had been driven from home by my wife's temper—and intended to live apart from her, and to go to Europe—and had brought with me the greatest part of my means. Mr. Bersch expostulated with me—asked what provision I had made for the support of my wife and children—and urged on me my duty to them, in terms that made me weep—and drew from me at once my promise to return to my home. Wishing to invest my money in Baltimore, I offered it on loan to Mr. Bersch, but he declined



it, and recommended that it should be deposited upon interest, in the "Saving's Bank." The fund being too large to be received there, it was placed as a special deposit in the Maryland Saving's Institution: after a few days stay in Baltimore, I journeyed to Pennsylvania: and then I came back to Baltimore—uneasy—and every where dissatisfied. I then went home. In the first instance I visited the house of my former landlord—and there my wife promptly met me. I asked her whether we should live again together, and she would treat me well; and, on being satisfied of the prospects of peace, I re-engaged our former house, and again took up our residence there. This was in August, 1828.

After some time, Mr. Bersch visited us, and advised me to lay out in land, the money I had in deposit—I told him I had some land for purchase in view, in that neighborhood. Soon afterwards I made the purchase. My wife, up to this period, since my return to her, had foreborne her unkindness; and we lived contentedly. But, although she was desirous that the land should be bought, and wished to live upon it, yet after the purchase, she fell back into her former temper, and harrassed me as before: and I determined no longer to submit quietly to her ill nature.

The land I had bought, was about five miles from my residence, in Loudon county—about eight miles from Harper's Ferry. We moved to it in April—but found the living there inconvenient, in consequence of the distance of our wood-land: and in August following, I sold the property, and at some small profit. I afterwards purchased another farm, and we moved to it in April. I was satisfied with it, but my wife being discontented with it, we determined to leave it. She induced me to persuade the seller of it that I had lost my money and could not pay for it; and in consequence, he took it back from me, no payment having been made by me as yet upon it. I then rented a house, where we lived; and I worked as usual, for a short period, when I left home for Ohio, where my wife had a quarter section (160 acres) of land, which had been given to her by her father.

It was in Carroll county; where, in the neighborhood, she had living, five brothers and a sister. These connexions I visited; and I viewed the land. I entered, under the United States title, a piece of land adjoining—which, however, I afterwards sold to one of my



brothers-in-law in that quarter. I returned here: and determining to settle in Ohio, I sold my personal property in Virginia; and in the autumn of 1829 we emigrated to Ohio. I moved to a house of my brother-in-law (Jno. Abel) in Jefferson county—looked for land to be purchased—and bought a farm of about 317 acres, adjoining Carrollton, in Carroll county; to which I removed in the spring. On this farm I resided about four years. My brother-in-law, John Abel, purchasing land in Logan county, Ohio, I was led to move to the same county; and I sold out my estate in Carroll county. I dwelt for a while at a tavern, where I had a room, in Belle Fontaine in Logan county—and worked at my trade; and in the fall I purchased a farm about five miles from that town. I visited Lima in Ohio afterwards, and by entries under the United States, purchased two sections (280 acres) of land in that region.—John Abel having also made entries there. At his house, I resided with my family during the winter; and in the spring I received possession of my farm near Belle Fontaine, whither I removed on the 1st April. In the autumn of that year, my two sons and myself were seized with violent sickness; and I was believed to be at the point of death. My wife continued to render my life very disagreeable—with quarrel and frequent and bitter abuse. Her temper was most violent; at one time carrying her into the excess of cursing her own father, and wishing that all Germans had drowned before crossing the ocean.

In 1841, my children were attacked with Scarlet Fever.—They were attended by Dr. Brown, of Belle Fontaine. My youngest son was first affected. While I was away, on Sunday morning, he insisted on going to his uncle's, John Abel's, to play with his cousins; and he went. He went to the spring house, which was wet and very damp:—and on the next day (Monday) he was again taken sick.—On Wednesday he became delirious; and in that state, died on Sunday. My daughter died of the Scarlet fever, on the day before:—and both of my dear children were buried in one grave. The Physician, Dr. Brown, bestowed on their cases all skill and care—and was with them until just before they breathed their last. I am thus particular in dwelling on the fate of my poor children, because in the desire to make me more hideous in crime than I am a report has prevailed, that I have put to death these, my offspring. Let me declare, solemnly as with a voice from the grave, where I am doomed



soon to lie, that this imputation is untrue; and let me as earnestly rid my name of the black guilt of my beloved mother's blood, which has also, by rumor, been made to stain my hands. My kind mother died naturally and in the peace of God; and to this very hour of horror, my love for her still lives, as it always governed me in her life.

My wife on the death of my children was dejected. She was unwilling to exert herself—and would do nothing. As a movement to be explained by her affliction and weariness, and at the same time to shew the wildness of her mind, I may relate, that on one day when I was shaving she suddenly took my razor, went out of the house with it—sat on a fence—and refused all my requests to her to give up the razor—but kept it hid in her bosom. I begged my son Henry to watch her. After awhile she returned to the house and laid down the razor—declaring that she had a notion to cut her throat. I held no conversation with her after this conduct of her's. In my contentions with my wife I had never inflicted personal violence except in a single instance, when I pushed her, and thus, perhaps, gave a bruise to her eye.

Formerly she had helped me in sewing, and regularly labored with me in my work; but now, after the death of the children, she refused to render any service except in cooking. Her annoyance of me with her temper and her frequent quarrels continued. Finally she told me that she wanted to leave me and to go to Virginia and to have my son Henry with her; and wished from me in the separation one-half of my property. I answered her that I could not yield Henry to her; my only child left to me, and whom I so much loved—but that if she wished to be apart from me I would give her one thousand three hundred dollars, or a section (640 acres) of land and two hundred dollars. To my terms she would not agree. She wanted Henry—from whom I could not part.

*There was deep hate between my wife and me—we could not look on each other without feeling and showing it.* A nephew of mine (to whom I have before alluded as the son of my brother in Germany) was a subject of her malice and of our contentions. He had come to this country to try his fortunes here—and reached Ohio without money. He applied to me in his need and I sent him twenty-five dol-



lars—but enveloped it in a letter which did not reach him. In consequence I went to Cincinnati to see him—and, finding him, I took him to my house, and made it his home. At first my wife treated him with propriety; but, at length became most spiteful against him, and introduced him as a point in our quarrels, upbraiding me with what I had done for him, and declaring him my bastard son. Her temper grew more and more fierce at this time; and she threatened to pull up every thing and set fire to my property. At one time, I may add, she seized a knife and pushed toward me with it, in one of our quarrels—I succeeded in taking it from her. My nephew, finding that he could not enjoy peace at my house, separated from me—went to a farm about two miles away and worked—and afterwards lived at Belle Fontaine, where I believe, he yet is. After the dispute between us, as to separation and a division of property, my wife's temper was more tyrannical; and our life was an almost constant quarrel. My son Henry determined to go to his uncle's, John Abel's, and work there,—and thus, having no servant, nor other inmates, my wife and I were left alone together.

On one Tuesday night, we had a severe disagreement in our bedroom; and I determined to sleep the next night in a separate apartment. Accordingly, I slept in the kitchen, which adjoined the chamber. In the morning, I urged her to rise—a quarrel ensued—a most violent strife of words—she upbraided me again as being the father of my nephew—and was very abusive. I became mad with the excitement—I seized an axe which was lying in the kitchen, near the chamber. She had just risen from her bed:—and, while thus standing, I struck her with the back (or dull part) of the axe, on the side of her head—she fell, uttering only the words: “I tell you”—and said nothing more. She was alive, but could not speak. Perhaps I gave her more than one blow with the axe—but I do not know. I took a pocket-knife, which lay on my tailor board, and with it tried to cut her throat,—without success. She was still alive when I attempted that. I then took the axe, and with it cut her throat. She died immediately. I did not know what to do. I did not wish to leave the house—but was without any plan. At length it occurred to me, to say that two men had come to the door, knocked me down, entered and robbed; and then had killed my wife;—and that I would give myself some bruises, and go to bed and lie there as if suffering



there under them. My wife lay where she had fallen. She had bled much. I went into bed, and there remained all that day and next night, and until the morning. Then the wife of my brother-in-law, Adam Abel, came into the house, alone. I told her my story, and asked her to go in the next room where my wife lay. She went—saw her—and departed without saying any thing. Soon after the neighbors came in; to whom I gave my account. I had bruised myself for the occasion, on my head and back with a piece of wood. A physician, who was present, examined me, and said I had not been bruised. The neighbors viewed the body of my wife,—and all the time I remained abed. A jury of inquest was called, and I was taken into the room where my wife was and required to look at the body, and to swear whether I did the deed; and I swore I did not. I do not now remember who were the jury; but I think James Stewart, whom I knew, was one of them. I was immediately afterward taken to Belle Fontaine and confined in jail. The next day a further examination of my case took place in the Court House, where I had the aid of counsel, and I was finally committed on the charge of murder of my wife.

I remained in jail about a year; the case having been deferred for some terms. At length I made my escape from prison. I had removed one of the irons from my leg with a piece of file, which I had found among some old clothes in an adjoining room, where I had been employed in tailor work. I made my way for Baltimore, where I arrived in twelve days; travelling as far as Frederick on horseback and at that place selling my horse. This was in November, 1841. I had changed my name to Adam Horn. I stayed at Baltimore only one night; and then went away to the neighborhood of Middleburg, in Frederick county. Thence I went to Taney-town, where I worked at my trade for six weeks, and from there I went to Burns's tavern, near Finksburg. My view then, was to go to Germany or to Texas. But I continued to board at Burns's and engaged in work for Mr. Crawford of Finksburg. The father of Malinda Hinkle, who became my wife, lived then near to Finksburg and I became acquainted with him. Catherine, her eldest sister, and whom I knew before I knew Malinda, lived then at Horner's tavern; and both daughters hired out at service.

Soon afterwards I saw Malinda, and we became acquainted. In the



spring of 1842 I bought the property where at her death I resided, about twenty-two miles from Baltimore, on the turnpike to Hanover. I moved to it at Whitsuntide; boarding, however, at the tavern of William Poist. On the 18th August, 1842, I was married, at Poist's tavern, to Malinda Hinkle. We boarded for a short time at this tavern, and then went to housekeeping at my house. I married her because I thought I could be happy with her. I knew she was poor; but I thought she would be faithful. There was, it is true, a great disparity in our ages (she was about seventeen and I about fifty-one,) but still I beleived I could confide in her. It was not long after our marriage, however, before I discovered that my wife became careless of my wishes and inattentive to my requests: she was fond of the society of the young, and would often absent herself from her home. I remonstrated; but without any good effect. She was obstinate; and persisted in having her own way. After a while I became very uneasy. It was manifest that she paid no attention to what I said to her; and I became satisfied in my own mind that she was unfaithful to me. A young man in the neighborhood was, I understood, in the habit of seeing her in the vicinity of my dwelling. At one time he visited my house; but I gave him to understand that his visits were disagreeable; and he then, as I believe, met my wife elsewhere. Some of the neighbors are aware of this and spoke to me concerning it. I often, but without effect remonstrated with my wife about her intimacy with this man. She would have her own way.

In the winter of 1842, she left my house and absented herself four or five weeks. I regretted her absence, for I was much attached to her; and I called on her sister to prevail on her to return. She told me that she was at Little's town and had written to her. After a time she returned and came to my house with Mrs. Gittinger and I invited her to remain. Up to this moment (as God will judge me!) I had never offered to her any personal violence;—all I did, was to remonstrate with her, on the impropriety of her conduct, and to threaten to be separated from her if she did not reform. On her return to me, I asked her if she wanted a Divorce; to which she answered "yes;" and I then mentioned to her that she might have it, and that the next day it could be fixed at 'Squire Bushey's. On that day, I had a writing for separation drawn up, and we went to 'Squire Bushey's and executed it and delivered it to be sent to



Annapolis. A day or two after this, Malinda went to her sister's and did not return till the end of the week—and she then stayed at home—and there was no quarrelling, and but little conversation. About two weeks afterwards she was about leaving me again; and had entered the public stage to go away, when I discovered and intercepted her. We continued unhappy together until the night of the 22d March. From the time of her return to me, up to this period, I had constant cause of complaint—I not only felt assured that she had violated her marriage pledge, but her conduct in other respects became more and more reprehensible.

On one Friday or Saturday, after coming from meeting, she looked about the house—went away—and did not return until between 3 and 4 o'clock in the afternoon; neglecting to prepare dinner. On her return, I pushed her out of doors. She went to Mrs. Gittinger's. On Monday I went for her—and Mrs. Gittinger persuaded her to go back to me. She then sewed and worked—and for a few days, things went on in a smooth course. She would often go away and leave me without my meals; and when I upbraided her on her return, for this treatment of me, she would wound me by the offensiveness of her language. My mind became much disturbed. I was a stranger, and could apply to no one for advice.

On the 22d of March, 1843, about two weeks after her unsuccessful attempt to leave me, of which I have just spoken, we sat down to supper in our common eating room, the room in which my store was, shortly after dark, and, as I suppose, about seven o'clock. We quarrelled on the old subject, her infidelity;—she denying my accusations. We were both of us very angry, and in that spirit rose from the table, and sat down beside each other at the fire; I believed that she was false, and renewed the charge, at the same time naming the person with whom I thought she had been unfaithful to me. She again denied it and called me a liar, or said I told a lie. Our wood had been brought in for the night and laid in a pile on the hearth, and as she uttered these words I instantly seized a stick of the wood and struck her two blows in rapid succession on the head, beneath which she fell to the floor, her head falling near the fire, so that her hair began to burn. I pulled her away from the fire. At this time she struggled or trembled, as if in the agony of death. I watched her a moment; I did not observe



her when she was dying to see if she looked at me or looked about at all; nor did I hear her speak; there was only a shuddering and a groan as she fell, and she died in a few moments. My passion at the time I struck her was very great, but I had been very fond of her and did not mean to kill her. After about two hours I began to feel my actual situation. There was the dead body lying precisely as it was when the breath left it. After a little time I took it and dragged it along the store into the passage, then along the passage to the back part where the stairs go down into the cellar; it was very heavy, and I had difficulty in getting it along. I dragged it in the same way down these steps, and can account in no other way for the large bruise and the other bruises on the back described by the witnesses on the trial. The bruises on the hands I cannot account for, as I struck her only two blows, and they were both on the head. I got the body down upon the ground in the cellar and then left it there. On returning to the room I found that the body had bled, and the floor was stained with blood. I examined the cellar steps and found that they were also stained. I then scrubbed the floor and the steps and got all perfectly clean, and this being done I lay down on the bed, but I couldn't sleep that night. I remained in bed, however, till daybreak, when I got up and went up the road to Storch's house; I told him that my wife had gone off again, and asked him to come down to my house; he did so in about an hour, and soon afterwards Mrs. Gittinger came in, and began to talk about Malinda going off, and its being a bad night; I never thought about the night; nor did I choose it on that account, as was said on the trial, nor at all, for I did not intend the killing.

The body remained in the cellar all that day, and for two or three days more; it was about the fourth day after I killed her that I made up my mind that I could only get rid of her by carrying her away in pieces. At a late hour that night I went into the cellar to cut up the body; I began by trying to take off the head, but I found that I could not succeed with the knife in getting through the bone; I accordingly got the axe and with this and the knife severed the head from the body. I then carried the head up stairs into the room where my store was kept, and where I killed her. Here was a fire, and I put the head into it, and sat down to watch it; it was several hours in burning, and I watched it till it was all consum-



ed. I then, for fear of discovery, carefully examined the ashes and found the teeth which would not burn. These I gathered up and early next morning went into the woods by my house, and scattered them all about.

The next night, when late and every body likely to be abed, I went into the cellar to cut up the rest of the body. I first cut off the arms at the shoulder joint, which I did without much difficulty using the knife alone; I then proceeded to take off the legs, and separated them from the body at the hip joint, all the time using only the large knife, the same that was produced in Court, though not identified. Having the whole thus ready and easy for removal, I washed and thoroughly cleansed the knife and the axe, both of which I afterwards used as formerly. I took the legs and arms to put them away first, and found a good place of concealment under the bake oven at the back of the house, where I put them completely out of the way. A night or two afterwards, at a late hour I went into the cellar for the body, to bury it: it was very heavy and I had a good deal of trouble to get it up; I succeeded at last, and then put it in an old coffee bag, and carried it towards my peach orchard; but it was so heavy that I had to stop and rest several times; at last I got it down to the gully, and dug a hole in which I buried it; and I intended to leave it there for ever; but something afterwards happened which made it necessary for me to alter my plans; I will explain it presently. I continued now, feeling that all was safe, to go on with my business as usual, thinking that the neighbors were all satisfied that my wife had gone away, but in a day or two afterwards Poist called on me and told me that the neighbors thought I had made away with her; (this was on the third of April, and according to the testimony, nine days after the murder;) Poist said, he supposed I would have no objection to the people searching the place, and I said, no. A day or two before Good Friday when I thought perhaps the limbs might be discovered I thought it better to bury them too. I had never salted them nor any part of the body; and the witnesses and doctors were all wrong in supposing that I did anything at all to a single portion of the body to preserve it. I solemnly assert that I never did; if it was in such a good state of preservation as they say it was, I cannot account for it any more than the doctors themselves. At the time referred to, a night or two before Good Friday, I put the limbs into a bag, and carried them down to the orchard and buried



them pretty near the body; how I came to leave my spade there which Poist afterwards saw, I do not know; I never thought about it. Now I concluded every thing was safe, though I had some fears about Poist; I thought he suspected me, seeing that he was always looking about; I saw him on Good Friday in the orchard and I was a good deal alarmed, and believing that he was trying to find out the body of my wife, I determined to take the first suitable night and bring it back to the house, and do something else with it. I had not determined what to do till the Sunday after, when Catharine Hinkle called, and I found she suspected me. In the afternoon I went to Gittinger's house, but I did not hear what was said there about Catharine's intention to get a search warrant; I solemnly declare I did not overhear a word of it, or the last thing I should have done would have been to bring the body or the limbs up to the house. That night was a favorable one for the deed, it set in with a drizzly rain and very soon after dark I prepared for it. Soon after dark I went to the gulley and dug up the bag containing the limbs, took it up in my arms and carried it to the house, took it in the back way up the little stairs in the kitchen to the room over our sleeping room and threw it down just at the top; and this was the first time that any portion of her dead body had been in that room. The mark or stain spoken of by the witnesses as resembling a human body, was produced by apples which were stored there in the fall and had rotted, the stains that they all thought of blood under the plaster and against the washboard, were caused in the same way. My design in bringing up the limbs and body to the house, was to bury them near the house. Having deposited the limbs up stairs, I came down and went out the door upon the porch intending to return for the body when a circumstance happened which stopped at once all further proceedings in that quarter—a circumstance which was never spoken of during the trial. Just as I was about to step off the porch, I looked up the road and saw a light like a lantern leave Poist's house as it appeared to me, and as I felt certain it did, though it was too dark to see the house. It crossed the road and went into the fields. I stood and watched it till it seemed to reach the edge of the woods. It moved around the border of the woods; I watched it with much anxiety; I listened but could hear nothing, neither step, nor noise. It moved along the woods, and



Then changed its course and moved towards the grave of the body; it kept on to my orchard. The thought struck me that Poist was in search of the body, I concluded that he had seen something there on Good Friday and was now going to search further; I still stood and watched the light until I was sure I saw it in my orchard; I was then very much alarmed; I stopped no longer; I hurried into the house and locked the front door, threw off my shoes, and a part of the clothes I had on, put on others, took what money I had there, went out the back way, leaving the back door shut but not locked and hastened to the fields, making my way soon afterwards into the turnpike and then keeping on the way to Baltimore. I did not hear the hallowing of Uppercue mentioned in the testimony at the time that it occurred. I must have been far on my route to Baltimore at that time.

I kept on the road to Baltimore travelling at a moderate pace all night; I drew near the city at day break and began to meet people just as it was light enough to see their faces: I saw no person that I knew, and went to no house for breakfast, but bought some cakes. As soon as I thought the Clerk's office (of Baltimore County Court) was open I went there; it was about half past 8 o'clock when I got my deed there, and not 11 o'clock, as the Clerk supposed when testifying on the trial; as soon as I had got it I went to the Rail Road Office and took my passage in the cars for Philadelphia, arriving in that city on Monday evening. On the next day I had a deed executed of my real property in favor of John Storech; my reason for using his name was that I thought he was a man from whom I could procure a transfer of it to myself at some future day. He knew nothing of the particulars of my wife's death, nor did I ever tell him a word about it. I know nothing of his reasons for destroying himself, unless it was domestic unhappiness of which he had once spoken to me. It was not my intention to leave the country, when making over the property, but I had fixed on no plan. During the progress of the execution of the deed in Philadelphia I was arrested; on my arrest I told the officer I was a shoemaker. I was placed in prison there, and afterwards was demanded by the Governor of Maryland, and brought on to Baltimore and committed to Jail. I now state at the close of this confession, with a due sense of the solemnity of my situation, that I have never taken human



life, but in these two cases, the death of my two wives, nor do I believe I have ever committed a crime against the laws of this or any other country but in these instances thus publicly confessed. Of the father of my wife Malinda *I know nothing*. The last I heard from him was *that* he had gone to Baltimore, and *that* fact was proved on the trial.

*Arthur T. Gillman*

December 4th, 1843.



## SUMMARY OF THE EVIDENCE;

### SENTENCE OF DEATH, &c.

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At November Term, 1843, of Baltimore County Court, Adam Horn *alias* Andrew Hellman, was indicted for the murder of his wife, Malinda. The charge resting on circumstantial evidence and nothing appearing to indicate by what form of violence the death had been produced, and the head of the deceased not being found to furnish any clue in that respect. The indictment had nine counts, each varying the theory of the manner of her death.

On Tuesday, 21st November, 1843, the State and the accused declared ready for trial. A Jury being about to be called to be sworn the prisoner's counsel insisted that each person proposed as a Juror should *on oath* answer "whether he had formed or expressed an opinion on the question of the prisoners's guilt, or had any bias or prejudice against him." The State's Attorney objected to the oath being administered; and he insisted that by the long continued practice of Maryland the answer to the inquiry was always without oath. A long discussion ensued which ended in the Court deciding with the State: with a reservation, however, that if the proceeding, as claimed by the prisoner's counsel, had been adopted in any other Judicial District of Maryland the same course might (without being drawn into precedent however) be pursued on this occasion. The Court having been satisfied, by a representation of a gentleman of the bar, that the practice as urged for by the prisoner's counsel had been sanctioned, after argument, by the Court in which Chief Justice Buchanan presided. The oath was administered as moved to each person presented as a Juror. At the suggestion of the State's Attorney, another question was also put to each person as Juror: whether he was conscientiously opposed to the infliction of capital punishment in cases of homicide. Many persons by expression or formation of opinion being disqualified as Jurors,



and a number having been peremptorily challenged, a Jury was not completed until late in the day on Wednesday. The following were the Jurors: John B. H. Fulton, Alexander A. Kennard, George Tracey, Melchior Fowble, Hanson Rutter, William Butler, Benjamin Wheeler, Sr., Abraham Elliott, Samuel Price, Henry Leaf, Samuel S. Palmer, James Wolfington.

The Attorney for the State having made his opening statement describing the charge and relating the matter of the expected proof concluded by defining the law of murder in Maryland. The prisoner's counsel then stated that their silence was not to be construed as acquiescence in the doctrine of law as expounded by the State. An explanation then took place which led to an admission by the State's Attorney, that if the State proved only a killing, and no justification was offered by the prisoner, the killing was murder, but could only be found of the second degree, and that it was incumbent on the State by circumstances to prove the malice necessary to raise the crime to murder of the first degree: and to make it in the words of the Act of 1809, chapter 138, "wilful and deliberate and premeditated."

The State's witnesses were then called and examined. The examination lasted until Friday, 2 o'clock, P. M. —the Court during the time holding two sittings daily. Discussions on points of testimony occurred during the examination which were of interest and of some length; but it is not thought important in this summary to give the exposition of the points or arguments. The first, and the leading witness examined was William Poist; the other witnesses were Jacob Myers, Henry Fringer, Benj. Caughey, Geo. Burk, Andrew Burk, Joshua Hooker, John Ely, Mrs. Gittinger, Catherine Hinkle, F. Gittinger, Rev. Mr. Willard, Francis Rinehart, J. C. Kelly, R. Philips, A. Ridgely, W. Slicer, Dr. Dunbar, Dr. Roberts.

The testimony, in brief, was, that on the morning after Sunday, 22d March, the prisoner had, passing by Poist and other neighbors, who, it was imagined, would first naturally have been informed by the prisoner if he were telling the truth, proceeded up the road to circulate a report that his wife had (as she had once before) left him; but that in an hour or two all persons in his immediate neighborhood knew it; that after a time suspicions began to raise against the prisoner; that Poist apprised the prisoner of them (about thirteen days before he fled) and asked him to let his house be searched, to



which the prisoner assented; that Poist, walking through the prisoner's orchard, was struck with seeing a spade there, and seeing nothing for which it could have been used, but that he said nothing to the prisoner, and did not seem definitely to have made any inference, or scarcely to have conceived a suspicion from the circumstance; that the prisoner attended with his usual calmness and steadiness to his business, and keeping up the representation of his wife having gone away, but refusing to advertise for her, as on the first occasion of her going away he had done; that his wife had left him on the occasion alluded to for five or six weeks, and returned finally of her own accord, and that she had a second time attempted to go away, but was discovered by the prisoner as she entered the public stage, and prevented going; that they lived unpleasantly together; that prisoner was cross, and that his wife had expressed great dread of him, and had once said she was afraid of his killing her or knocking her down; that she had said he had once used personal violence to her by pushing her against a door, but on the other hand had stated to her pastor, whose advice she took as to her proper course under her unhappy relations with her husband; that she had met with no personal ill usage from him, but was in fear of him; that on one occasion he had pushed her out of doors and threw her clothes after her, and that she had afterwards returned to him; that he had expressed his doubts of her fidelity to him and shown himself violently jealous of her and complained of her neglect of her household duties and her unwillingness to work—that his wife was about eighteen years old and he past fifty; that the night of twenty-second of March, the last day she had been seen in the neighborhood was very stormy, and that a snow fell and had drifted much and was in many places very deep—that his wife's sister, Catharine Hinkle, had called on prisoner on the day of his flight and questioned him about her sister; and that he looked confused and reluctant to speak on the subject, but told her, as he had (though with variations as to the place where the money was taken by her) mentioned to others, that she had left him and taken fifty dollars from him away with her; that Catharine Hinkle then determined to have a search made at the prisoner's for her sister, and to have the matter investigated, that she mentioned this determination on the Sunday on the night of which the prisoner had fled; that the prisoner on the afternoon of



that day was at a neighbor's (the elder Mr. Gittinger's) with several persons, when a little girl came into a room then adjoining that where the prisoner was and stated that Catharine Hinkle meant to go about her sister's case to 'Squire Bushy—that the door being open between the rooms the prisoner could have heard this statement of the little girl which was made in a loud voice—and that the prisoner soon after left the room—that this was early in the afternoon, but that toward dusk he was at the younger Gittinger's—that the day afterwards (Monday) some young men when gunning passed through the orchard of the prisoner at a gulley in it, and found a hole and a foot print near it where something seemed to have been buried—and a spot near it which seemed to have been dug and filled up—that this being mentioned to Poist he and the young men went to the place and found that a stick pressed into the covered place bounded as from something elastic—that the earth was removed and a bag with a headless and limbless trunk of a human frame was found—that the bag was marked Adam Horn, and was proved to have been sold to him with coffee some months before, the seller marking his name on it—that going to the prisoner's they found his house vacant, the back door open, and his goods and furniture all abandoned—found his working clothes and shoes thrown under the counter of his store (he was a tailor and also kept store) marked with mud corresponding to that of the soil where the body was found, and a wash basin with water into which mud of the same kind seemed to have been washed—that the soil of the gulley (as it was the under earth made bare by washing of the grounds) was different from the soil around it—that examining the room above the kitchen a bag with legs and arms and hands was found which were also marked with the peculiar mud referred to, and which being put to the trunk corresponded with it—that the great toe of the deceased was particularly long, and that such was the toe on the foot found in the bag—and one witness said that some years ago the deceased had a felon on her thumb which had made her carry it contracted and stiff, but at a time before it was well, and he had not seen it since; but that the thumb on the dead hand was in the same position—that on the steps leading to the room where the bag was there were, near the top, stains which one of the witnesses supposed were of fruit, but which the others were confident were of blood—that in the middle of the room



was a large stain apparently marking out a human frame which was such as brine would leave, and that at one time a white incrustation was seen which was believed to be salt—but that no test had been made of what the stain was—that under a pile of plaster in a corner of the room a few stains were found which were confidently pronounced by most of the witnesses to be from blood, and also one on the washboard which the witness believed was a painted washboard—one or two of the witnesses believed that the stains under the plaster and on the washboard might have been from fruit—that the body found were correct with the limbs, was of the size of the deceased, but one of the witnesses (who was, however, very positive as to the identity of the great toe) said that the complexion seemed fairer than the deceased's—that the bag with the limbs was immediately at the entrance of the room, and seemed to have been thrown in carelessly and in a hurry.

The physicians (Dr. Dunbar and Dr. Roberts) testified that they were requested in May to examine the body and found it in remarkable preservation, and had not seen any body so sound so long after death, and knew of no agents which could have so preserved it—that salting would have had a tendency to preserve it—that the body evidently died of no disease, every organ being in excellent health—that there might have been an affection of the brain which might have been fatal, but not probably, and that it was not likely that apoplexy occasioned the death; that there were bruises on the hands which were traced to the bones, so severe were they, but that no fracture was found—that there were some bruises on the breast and on the shoulder—that all the bruises were, it would appear from some heavy instrument, and that those on the hands seemed to have been made by lifting them to meet some heavy blows;—that it was possible that in a struggle, by a fall on the head death might have been produced if the head had fallen on a particular sensitive part, but that scarcely any fall on the head could occur where the patient would not linger at least several hours before dying. The State also proved that a man passing between ten and twelve at night Horn's house had hallowed to his companion [this circumstance being offered in evidence to account for the prisoner's sudden flight at night under the idea of his having been alarmed by the noise.] Proof was given of the prisoner having called at the office of the Clerk of Baltimore County Court and received the Deed for his property, on



Monday the 23d March—and also of his arrest in Philadelphia—that he there represented himself to be a shoemaker—and that a Deed was found with him conveying his real property to John Storech, who lately committed suicide—that to Poist's exhortation to him in person in Philadelphia he answered only in a sob; and that when interrogated by the police officer Ridgely as to the head he only said that he had nothing to say to him, and that he had only to take him to Baltimore if he was empowered to do so. The State closed its testimony by proof that the prisoner was known in Ohio as Andrew Hellman.

No testimony was offered for the defence:—and the case was now argued to the Jury on the facts and law—by I. Nevitt Steele, Esq., Attorney for the State of Maryland, and by Charles F. Mayer and James M. Buchanan, Esqrs., Counsel for the Prisoner.

The State insisted upon the series of circumstances given in proof as tracing the killing to the prisoner, by all the coincidences of time and place, and by the natural marks, identifying the body found, with the person of Malinda Horn; and deducing from all the testimony of the relative conduct and temper of the husband and wife. The spirit, and thence the malicious purpose which governed the prisoner in perpetrating the killing.

The Counsel for the Defence insisted upon the positions:—

1. That there was no unequivocal testimony of the identity of the body (or, technically, proof of the *corpus delicti*.)

2. That the circumstances did not necessarily point to the prisoner as the perpetrator of the offence: and that where circumstances did not demand the conclusion of guilt, there was a doubt which must cast the issue in favor of the accused.

3. That at all events, this dubiousness must forbid a finding of a higher grade of guilt than murder in the second degree; the Law of Maryland requiring, *as a matter of positive fact*, that to make murder of the first degree, *wilfulness, premeditation and deliberation* should be *established*; and that the killing itself, by the accused, having to be ascertained *in the midst of doubt*, the sure deduction of malice required by the Act of Assembly, could not be drawn;—and merely as one, and the most rigid, of several alternative theories could not be adopted.

4. That if there was any question as to motive and deliberate pur-



pose in the Deed, the doubt must reduce the crime to the second degree, if not to manslaughter: but, that so far as testimony bore at all on the motive and impulse, it required the Jury to believe that *passion*, and no *deliberate intention*, led to the deed; and that the real or imagined grievance of his wife's imputed infidelity argued the excitement which, as it was constantly the theme of his thought and his complaint, must be believed to have driven him to the fatal violence.

It may be mentioned that in Maryland, the punishment for murder in the second degree, is confinement in the Penitentiary for a period not exceeding eighteen years.

The argument for the State occupied, in the two addresses to the Jury, about five hours; and the two speeches for the prisoner, occupied together, about nine hours. The argument closed about seven o'clock, P. M. on Monday, the 27th November, 1843: and the Jury, after a retirement of about thirty minutes, brought in their verdict of "*Murder in the First Degree!*" which verdict, on their being polled, was confirmed by each of the Jurors.

The counsel for the prisoner were Charles F. Mayer, James M. Buchanan, C. Z. Lucas and J. I. Snyder, Esqs. Although the two latter gentlemen (Messrs. Lucas and Snyder) were prepared to address their views to the jury, it was on consultation among the counsel arranged (the cause having consumed much time, and it being desirable to terminate the fatigue and restraint of the jury as soon as practicable) that only two of the counsel should speak to the defence.

On the 4th December, 1843, the prisoner was brought into Court to receive the awful doom of the law; and, in the midst of a crowd of witnesses of the solemn scene, the Honorable Richard B. Magruder, who presided alone at the trial, pronounced the sentence of death: the prisoner being first asked whether he had any thing to say why sentence of death should not be pronounced against him, and signifying that he had nothing to say.

The sentence, which in its solemn exhortation and beautiful sentiment, deserves to rank among the models of Judicial eloquence, was as follows:—

You have been tried before a jury of your country, upon a charge of wilful, premeditated and deliberate murder, and after a calm and patient investigation of several days, during which you had the



aid of counsel who did all that zeal, indefatigable labor, professional skill and learning could do on your behalf, you have been declared by that tribunal "Guilty" of that atrocious crime. I have reflected much upon the verdict, and cannot but declare, as I now do, that it was, in my judgment, right.

The victim thus deprived by you of life was of that sex whose weakness entitles it, at least among all civilized men, to protection—a sex to whom even rudeness has always been regarded as "infamy, and insult as cowardice." She was not merely a *woman*, but was one whom you had sworn, by a promise recorded in Heaven, to love and cherish. She was your wedded wife, carrying in her bosom at the very moment that you imbrued your hands in her blood, the pledge of her love for you. She was young—too young to have been hacknied in vice, even if the evidence had shewn her to have been in anywise chargeable with error, as it did not, but on the contrary it proved her to have been pure, chaste and pious. She was, moreover, gentle in disposition, and obedient and dutiful to you her husband, and as far as we can learn, she had not an enemy on earth, except in that man who, of all others, should have been her friend and defender. After the revolting detail, which we have all heard during the trial, of the facts attending the commission of the crime of which you have been found guilty, it can now subserve no good purpose to recapitulate them. The heart of every one, except that of a fiend, sickens at the recollection of them, and I only advert to the painful subject which I would willingly dismiss forever from my mind, in order that you may retire from this place with a perfect conviction, that an offence perpetrated in a manner so merciless, so relentless, so remorseless, can only be atoned for to the outraged laws, by striking from existence the guilty perpetrator. Such is your awful, certain doom.

Here, perhaps, I should cease to say more than to pronounce the sentence of the law; but as it has been the usage, from time immemorial, to offer on such occasions, some consolatory advice to persons standing in your unhappy situation, and as the relation I hold as your temporal Judge, will, in a few moments, be at an end, and you will in a very brief space, stand in the presence of the Judge Eternal, it is fit, perhaps, that I should not deviate from this ancient custom.

From something which fell from one of the witnesses during your trial, I have learned that you belonged to one of the denominations



of christians. Let me then advise, and even implore you, to flee, without an instant's delay, to the footstool of the merciful Saviour of mankind, and to ask with the deep and sincere sorrow of a repentant heart, that your heinous sin may be forgiven. God himself has declared that though your sins be as scarlet, they shall become, through repentance, as white as snow, that "a broken and a contrite heart he will not despise." A single sigh, if uttered from the depths of a crushed and broken heart, shall not pass unheard, but may cause its renovation, for, however corrupt it may be, it can be purified by His Holy Spirit. Even a look, "the upward glancing of an eye," if that is all within the power of a sinner to give, if it be the look of faith and prayer, given with a truly penitent heart, shall not be unheeded. Let me point you to His mercies, whilst he sojourneyed on earth in the shape of man—when his whole life was one of benevolence—when every act he did was full of mercy. He who, because he saw into the recesses of her heart, and that she truly repented of her crime, could say to her, whose life was justly forfeited under a dispensation established by Himself, "woman, hath no man condemned thee? Neither do I condemn thee. Go and sin no more." He who could say to the thief upon the Cross, merely because he cast up to him one earnest look from the eye of Faith, and uttered one truly repentant appeal, those words of mercy and of pardon: "This day shalt thou be with me in Paradise," can give to you also, horrid as has been your crime, a clean heart, and can renew a right spirit within you. Turn, therefore, to that God, at whose Bar you will very soon appear, and pray to him without ceasing, during the short remnant of your days on earth, that He will not cast you from Him for ever, but that, through the atoning blood of Christ, you may be saved from the agonies of the second death.

It now only remains that I pronounce the sentence of that law whose minister I am. It is—That you be taken to the jail of Baltimore county, from whence you came, and from thence to the place of execution, at such time as shall be duly appointed, and there be hanged by the neck until you are dead; and may God have mercy upon your soul!



